

EASTERN DIVISION
No. 2:21-CV-00034-JG

Plaintiff,

V.

Defendants.

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Argument and Citation

Minors, because they are legally incompetent to transact business or give consent for most purposes, need responsible, accountable adults to handle property or benefits to which they are or become entitled. N.C. Gen. Stat. § 35A-1201(a)(6). Moreover, where minors are entitled to receive damages pursuant to the settlement of an action, such settlement must be approved by the Court, even though the minors are not parties to the action. See N.C. Gen. Stat. § 28A-13-3(23). The Plaintiff, Administrator for the Estate of Andrew Brown, Jr., has bound the minor children/beneficiaries of the Estate herein in the same manner as if such minor had consented to the settlement as an adult. Traditionally, the Federal District Courts in the Western District of North Carolina, have approved motions to approve settlement and the parties' settlement and release agreement under seal. See Garlock v. Am. Gen. Life Ins. Co., 1:17-cv-00264-MR-DLH (W.D.N.C. Jul. 27, 2018); Chambers v. Mega Mfg., Inc., 1:13-CV-232-MR-DLH (W.D.N.C. Aug. 5, 2015). The supplemental materials regarding approval of the settlement as to the minors' settlement proceeds under the settlement provisionally filed under seal at this, contains the following:

1. Declaration of the guardian ad litem appointed for purposes of the settlement as to the minors stating her position with regard to the settlement;
2. Declaration by the minors' mother;

3. The proposed annuity company's detailed structured settlement information that includes the minors' names, ages, dates of birth, and future distribution dates.
4. Detailed information on proposed trust company that will maintain the trust account on the behalf of the minors.

WHEREFORE, the Plaintiff respectfully requests that the Court enter an order to seal the supplemental materials regarding approval of the settlement as to the minors' settlement proceeds under the settlement.

This 19th day of July 2022.

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Special Appearance of counsel for Plaintiff in the above-captioned matter, in accordance with Local Civil Rule 83.1(d).

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Special Appearance of counsel for Plaintiff in the above-captioned matter, in accordance with Local Civil Rule 83.1(d).

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2022, I electronically filed the foregoing Memorandum in Support of her Motion for Leave to File Supplemental Materials Regarding Approval of the Settlement as to the Minors' Proceeds Under the Settlement with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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